THE HONOURABLE MS.JUSTICE G.ROHINI

W.P.NO.7476 OF 2000

Dated:06-12-2005

Between:

P.Sudharani Petitioner

And

The Principal,Mahatma Gandhi Junior College,Madara Metla,Korisapadu Mandal, Prakasham District and another.

Respondents

THE HONOURABLE MS.JUSTICE G.ROHINI

W.P.NO.7476 OF 2000

ORDER:

The petitioner herein studied Intermediate course in the first respondent college during the academic years 1996-97 and 1997-98. It is claimed that the petitioner belongs to backward class. That apart, since the petitioner was also economically backward, she was awarded scholarship by the Government. According to the petitioner, she was awarded a sum of Rs.1,800/- for the first year Intermediate course and a further a sum of Rs.2,000/- for the second year of the Intermediate Course. However, it is alleged that the first respondent paid only a sum of Rs.775/- vide cheque dated 7-2-1999 and in spite of repeated requests, the balance was not paid. Aggrieved by the same, the petitioner approached the second respondent-the District Backward Caste Welfare Officer, Ongole. In pursuance thereof, the second respondent vide proceedings dated 29-6-1999 directed the first respondent to explain as to why scholarship amount was not paid to the petitioner

and the first respondent was also directed to send the acquittance for payment and sanction of scholarship in respect of the petitioner for the academic years 1996-97 and 1997-98. The petitioner states that in spite of the same, the first respondent failed to respond. Moreover, the first respondent has also deliberately withheld the transfer certificate , memo of marks, conduct certificate and caste certificate of the petitioner. It is alleged that the first respondent demanded the college fee on par with the O.C. students and since the petitioner could not pay, the above said certificates were withheld. Hence, this writ petition seeking a Writ of Mandamus declaring the action of the first respondent in demanding to pay fees on par with the OC students is arbitrary and illegal and also to direct the first respondent to issue transfer certificate, memo of marks of Intermediate, conduct and caste certificate of the petitioner.

Despite service of notice, the 1st respondent did not choose to appear either in person or though duly instructed counsel.

Heard the learned counsel for the petitioner and perused the material on record.

Having regard to the nature of the controversy involved, though no Writ of Mandamus as prayed for can be issued, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to enquire into the allegations made by the petitioner. However, the learned Government Pleader for Social Welfare submits that the second respondent-cum-Backward Caste Welfare Officer is not concerned with the subject-matter, but the Deputy Director of Social Welfare of the concerned district is the competent authority to enquire into the allegations and to take the necessary action.

In the circumstances, the Writ Petition is disposed of granting liberty to the petitioner to approach the Deputy Director of Social Welfare Department of Prakasam District for redressal of her grievance including the alleged action of the 1st respondent in withholding her certificates. If any such representation is made by the petitioner, the Deputy Director of Social Welfare Department, Prakasam, shall consider the same and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of the representation. No order as to costs.

Registry is directed to communicate a copy of this order to the Deputy Director, Social Welfare Department, Prakasam District.

06-12-2005

Stp